

## **REMARKS/ARGUMENTS**

The final Office Action of April 14, 2010 has been carefully reviewed and these remarks are responsive thereto. Claims 1, 2, 4-6, 8, 9, 13, 14, and 16-19 have been amended, claims 7, 10, and 11 have been canceled without prejudice or disclaimer, and new claims 20-23 has been added. Claims 1-2, 4-6, 8, 9 and 13-23 thus remain pending in this application. No new matter has been added. Reconsideration and allowance of the instant application are respectfully requested.

### **Personal Interview**

Applicants wish to thank Examiners Stokely-Collins and Koenig for the courtesies extended to their representative during the personal interview on April 28, 2010. Applicants agree with the Examiner's Interview Summary and adopt the same as Applicants' statement of substance of interview in accordance with MPEP § 713.04. Applicants have amended the independent claims as suggested by the examiners to more clearly specify that behavior, content, and rules are each included in a separate file and to indicate the relationship between the separate files.

### **Support for Claim Amendments and New Claims**

Support for the amendments and new claims may be found in paragraph 27 and table 2, which discloses the separation of template (.mac file), programming rules (.ads and .pgm files), and dynamic data file (.dat file); paragraphs 33 and 47, which disclose that the programming rules select (resolve) content and determine placement of content; paragraphs 48, 81, and 82, which disclose that templates (APP.xml, a page) refer to the programming rules (ad/programming campaigns); paragraph 49, which discloses that the programming rules are defined in the ad/programming campaigns; paragraph 18, which discloses programming rules select content from the dynamic data file based on multiple selection criteria; paragraphs 30, 40, 49, and 51, which disclose the converting of content in the dynamic data file, and paragraphs 30 and 52, which disclose updating the files.

**Rejections Under 35 U.S.C. § 103**

Claims 1, 2, and 4-16, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 7,516,468, hereinafter Deller, in view of U.S. Pat. App. No. 2003/0028873, hereinafter Lemmons, and in view of U.S. Pat. No. 7,363,612, hereinafter Satuloori. Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Deller, in view of Lemmons, in view of Satuloori, and in view of U.S. Pat. No. 7,114,170, hereinafter Harris. Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Deller, in view of Lemmons and Satuloori, and in view of U.S. Pat. App. No. 2002/0078444, hereinafter Krewin. Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Deller, in view of Lemmons and Satuloori, and in view of U.S. Pat. No. 7,162,697, hereinafter Markel. Applicants respectfully traverse these rejections.

Claim 1 has been amended to recite,

A method, comprising:

generating, at an application server, an interactive television (iTV) application which includes an application template, programming rules, and a dynamic data file, wherein the application template specifies layout and behavior of the iTV application and refers to the programming rules for selecting content to be placed at a location within the iTV application, and wherein the programming rules select the content from the dynamic data file based on multiple selection criteria;

storing the application template, programming rules, and the dynamic data file as separate files in a centralized application management system; and

optimizing the iTV application for delivery from the centralized application management system by converting the content in the dynamic data file to a specific format displayable by a particular client device of the one or more client devices; and

delivering the optimized iTV application including the application template, programming rules, and converted dynamic data file as separate files to the particular client device over a distribution network.

With respect to claim 1, the Office Action cites Deller for the notion of a “template” and a “dynamic data file” as recited in claim 1. The Office Action then cites Lemmons, which discloses a process for superimposing ads onto video, for the claim 1 feature of “business rules” (“programming rules” as amended). Conceding that Deller is silent on the separation of application

behavior, content, and rules, the Office Action further alleges that Lemmons discloses the separation of application behavior (specified by the template) from content (in the dynamic data file) and from business rules because the selecting and placement of an ad in Lemmons (the alleged business rules) does not take into account the application behavior of Lemmons' produced media. See Office Action page 2.

Applicants respectfully disagree with the Office Action's interpretation of Lemmons. Lemmons discloses methods of identifying ad locations in un-enhanced video and placing ads in the identified locations to produce enhanced video. In asserting that Lemmons discloses the separation of application behavior in produced media from content, and rules, the Office Action is unclear as to whether the produced media is the un-enhanced video or enhanced video. Nonetheless, regardless of whether the Office Action is referring to the un-enhanced or enhanced video as having behavior which is separate from the ad placement, Lemmons fails to teach the claim feature of "delivering the optimized iTV application including the application template, programming rules, and converted dynamic data file as separate files to the particular client device over a distribution network" (underscore added).

The Office Action alleges that the produced media has an application behavior, which includes attributes and actions specified in an authoring specification, and that the ad placement process (i.e., the alleged business rules) does not take into account this application behavior. See Office Action, page 2.

With respect to the un-enhanced video, Applicants have reviewed Lemmons and have found no disclosure of attributes, actions, an authoring specification, or application behavior relating to the un-enhanced video as alleged by the Office Action. As the term "un-enhanced" suggests, this video has no added features that would give the video any sort of behavior. Accordingly, the Office Action's assertion that Lemmons discloses the separation of application behavior, content, and rules is without support if the produced media cited by the Office Action is assumed to be the un-enhanced video.

Assuming the Office Action was referring to the enhanced video as the produced media, Lemmon's discloses several processes for identifying ad locations in un-enhanced video and placing those ads in those locations to produce the enhanced video. See Lemmons, figures 10-14.

Lemmons discloses that each of these processes to produce the enhanced video are completely performed by a single process in at a single location, either at a server as shown in figure 7, or at a set top terminal as shown in figure 8. See Lemmons, paras. 59, 64, 70, 73, 85. In figure 7 an enhanced video is created and sent from the server to the set top box as a single signal 724, which includes the ads already being placed in the video. In the implementation of figure 8, the enhanced video is completely produced by the set top box and does not exist prior to its creation by the set top box. See Lemmons, figure 8, para. 61. Because the enhanced video is either sent as a single signal to the set top box (figure 7), or does not exist prior to being produced by the set top box (figure 8), the enhanced video does not exist with separate application behavior, content, and rules outside of the set top box.

In summary, Lemmons merely discloses: 1) un-enhanced video, which does not have application behavior, and 2) enhanced video, which does not have application behavior which is separate from content and separate from programming rules which is sent to the set top box. Accordingly, Lemmons does not teach or suggest the amended claim 1 feature of “delivering the optimized iTV application including the application template, programming rules, and converted dynamic data file as separate files to the particular client device over a distribution network.”

Satuloori fails to overcome this deficiency of Deller and Lemmons as discussed above, and thus claim 1 is allowable over the combination of Deller, Lemmons, and Satuloori. Claims 2, 4-6, 8, 9 and 13-19 depend from claim 1. Harris, Krewin, and Markel have also been cited, but fail to overcome the deficiencies of the combination of Deller, Lemmons, and Satuloori set forth above. Accordingly, 2, 4-6, 8, 9 and 13-19 are allowable for all the reasons given above and further in view of their specific recitations.

**CONCLUSION**

All issues having been addressed, Applicants respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3307.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

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